

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALENA KRILEY,

Plaintiff,

vs.

CHARLIE BROWNE, JAMIE PHIFER,
STAFF MEMBER UNKNOWN NAME, ALL
WOMEN'S CARE,

Defendants.

No. 2:21-cv-01176-JHC

ORDER

This matter comes before the Court on Plaintiff's motion regarding service of process on Defendant Jamie Phifer. Dkt. # 35. The Court has reviewed the materials submitted in support of and in opposition to the motion. Plaintiff did not submit a reply in support of the motion.

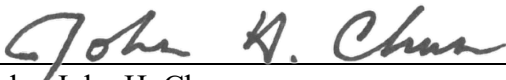
The Court finds that Plaintiff has not served Defendant Phifer with process. But district courts have broad discretion to extend time for service under Rule 4(m). In *Henderson v. United States*, 517 U.S. 654, 61 (1996), the Supreme Court observed that Rule 4's time period for service "operates not as an outer limit subject to reduction, but as an irreducible allowance." See also *Mann v. American Airlines*, 324 F.3d 1088, 1090 (9th Cir. 2003) ("Rule 4(m) explicitly permits a district court to grant an extension of time to serve the complaint"). In making

1 extension decisions under Rule 4(m), a district court may consider factors such as the statute of
2 limitations bar, prejudice to the defendant, actual notice of the lawsuit, and eventual service.
3 *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007).

4 Here, based on the materials submitted in connection with the motion, the Court finds
5 good cause under Rule 4(m) for Plaintiff's failure to serve Defendant Phifer. Factors supporting
6 an extension here include: (1) the lack of any apparent prejudice to the defendant; (2) the statute
7 of limitations; (3) actual notice of the lawsuit; and (4) Plaintiff's apparent good-faith efforts to
8 serve this defendant within the 90 days.

9 Accordingly, the Court GRANTS the motion in part. Plaintiff may have until July 29,
10 2022 to serve Defendant Phifer with process.

11 DATED this 28th day of June, 2022.

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14 Judge John H. Chun
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